

NIH TRAVEL POLICY

1. Explanation of Material Transmitted: The material transmitted provides information about employee acceptance of cash or services in kind from a nonfederal source, the purpose of which is to defray in whole or in part travel and related expenses. The information is to be inserted in NIH Manual 1500 as Chapter 08 "Acceptance of Payment from Nonfederal Sources to Cover Travel Expenses (Sponsored Travel)". In addition, there is a transmittal of a document entitled "Sponsored Travel Requirements/Procedures" which is to be inserted in the manual as "Appendix No. 6". This document outlines special requirements for Senior Level sponsored travel, provides proper protocol to be followed prior to the trip including the requisite ethics clearances, and delineates the post-trip procedures including Travel Voucher package stipulations.

2. Filing Instructions: Insert NIH Manual 1500, Chapter 08 "Acceptance of Payment from Nonfederal Sources to Cover Travel Expenses (Sponsored Travel)".

PLEASE NOTE: For information on:

- Contents of this chapter, contact the Office of Financial Management on 301-435-2927.
- Online information, enter this URL:
<http://www1.od.nih.gov/oma/manualchapters/management/1500>.
- To sign up for e-mail notification of future changes, please go to the NIH Manual Chapters LISTSERV Web page.

CONTENTS:

1500-08-00 Acceptance of Payment from Nonfederal Sources to Cover Travel Expenses (Sponsored Travel)

- A. Purpose
- B. Authority
- C. Delegations of Authority
- D. Definitions

1500-08-01 Legislative Authorities

- A. Travel Acceptance Authority, 31 U.S.C 1353
- B. HHS Travel Acceptance Authority, 42 U.S.C. 3506
- C. Foreign Gifts and Decorations Act, 5 U.S.C. 7342

NIH TRAVEL POLICY

1500-08-02 Methods for Reimbursement of Travel Expenses by Nonfederal Sponsors

- A. Department Policy
- B. Conditions for Reimbursement

1500-08-03 Procedures for Preparing Sponsored Travel

- A. Letter of Invitation
- B. An Authorizing Travel Order
- C. Completion of the HHS-348 and NIH Certification Checklist
- D. Submission of the HHS-348 Request Package
- E. Submission of HHS-348 Voucher Package

1500-08-04 Acceptance of Payment from a Non-Federal Source to Cover Travel Expenses - CRADAs

- A. Definition - CRADA (Cooperative Research and Development Agreement)
- B. Policy
- C. Procedures
- D. Payment Acceptance
- E. Guidance

NIH TRAVEL POLICY

1500-08-00 Acceptance of Payment from Nonfederal Sources to Cover Travel Expenses (Sponsored Travel)

A. Purpose. This chapter sets forth Department and NIH policy with respect to acceptance of cash or services in kind from a nonfederal source, the purpose of which is to defray in whole or in part the travel or related expenses of “**employees**” as defined in 41 CFR Part 304-1.2 and the DHHS Travel Manual Chapter 1-70 (**includes Commissioned Officers**). It also establishes NIH procedures for the preparation and processing of the Form HHS-348, “Request for Approval to Accept Payment of Travel Expenses from a Nonfederal Source” (You may obtain a copy at the following web site:

<http://forms.cit.nih.gov/adobe/travel/HS348.PDF>). Employees may not, under any circumstances, accept an honorarium or retain cash in excess of actual expenses. **The acceptance of payment or in kind services from a nonfederal source should be the exception and not the rule.** NIH components shall not use the authorities set forth above to shift the cost of their normal travel programs to nonfederal sources. **NIH employees shall not solicit payment of travel expenses from nonfederal sources.**

NOTE 1: The regulations which appear in 41 CFR Part 304 and the travel policies and procedures contained in HHS Travel Manual Chapter 1-70 and this chapter, as they pertain to Acceptance of Payment from Nonfederal Sources to Cover Travel Expenses, do not extend to certain individuals who by definition are not considered “employees”. These individuals do not receive civil service appointments and are retained by NIH to: 1) conduct research under a training or other agreement; 2) are permitted to engage in scientific studies and investigations using NIH research facilities; or 3) provide research services, direct patient care, and other types of services for the NIH on a voluntary basis. For the purpose of this manual, these individuals will be termed *Non-FTE persons*. For a definition and corresponding information on travel of Non-FTE persons, See NIH Manual 1500 Chapter 10-00 “Temporary Duty (TDY) Travel and Relocation of Non-FTE Persons”, pending release.

NOTE 2: Individuals who are assigned to NIH under the Intergovernmental Personnel Act (IPA) (5 U.S.C. 3374 or 5 U.S.C. 3372) *by appointment* are considered “employees” for the purpose of this chapter. Individuals who are assigned to NIH under the IPA *by detail* are considered non-FTE persons and therefore do not come under the guidelines of

NIH TRAVEL POLICY

this chapter (See NIH Manual 1500 Chapter 10-00, "Temporary Duty (TDY) Travel and Relocation of Non-FTE Persons", pending release).

B. Authority. Information and legislative background used in these guidelines, and which can be referenced in detail, is incorporated in the terms of the Government's Ethics Reform Act of 1989 (18 U.S.C. 202 et seq.); 41 CFR Part 304-1; HHS Travel Manual Chapter 1-70; August 5, 1993 Memorandum from the Associate Director for Administration, NIH, transmitting NIH Manual Chapter 1961-9; 5 U.S.C. 7342, 31 U.S.C. 1353, 42 U.S.C. 3506; and NIH Manual Chapter 1130, Delegations of Authority Travel #7.

C. Delegations of Authority. For the majority of NIH employees accepting non-Federal source funding, the authorizing official signature required on the HHS-348 "*Request for Approval to Accept Payment of Travel Expenses from a Nonfederal Source*" is the IC Director/Deputy Director/Executive Officer and the recommending official may be the IC Ethics Officer. Exceptions and special situations are:

- 1. IC Directors and OD Senior Staff.** In the cases of travel-related activities for IC Directors, the IC Executive Officer or equivalent level will serve as the **recommending official** and the Deputy Director for Management, NIH will serve as the **authorizing official**.

Within OD, for travel-related activities of the OD Executive Officer, the Deputy Director for Management, NIH will serve as the **recommending official** and the Deputy Director, NIH will serve as the **authorizing official**. For travel-related activities of the Deputy Directors, Associate Directors, and Office Directors, the **recommending official** is the Deputy Director, NIH and the **authorizing official** is the OD Executive Officer.

NOTE: For additional information on Executive Level Sponsored Travel, See NIH Manual 1500 Appendix 6, "Sponsored Travel Requirements/Procedures".

- 2. Spousal travel, accommodations in excess of the FTR, or a potential conflict of interest situation.** In the case of travel involving approvals such as spousal travel, accommodations in excess of FTR limitations, or a potentially conflicting nonfederal source, the same delegations of authority outlined in "C" or "C (1)" above will be applicable.

NIH TRAVEL POLICY

D. Definitions.

1. Advisory services. Advisory services have certain characteristics which distinguish them from a meeting. These are assignments which may be longer in duration; convey a sense of urgency or immediacy about their purpose; involve providing advice and technical assistance or conducting technical or scientific training or research; or most typically for HHS, are sponsored by international organizations such as the United Nations, the World Health Organization (WHO), Pan American Health Organization (PAHO), Food and Agriculture Organization (FAO), and/or foreign governments.

The term **Advisory services** is applied under the following circumstances:

- a) The purpose is to provide information, expert advice, or professional judgment on a **specific** topic;
- b) At the request of an outside party;
- c) In a setting where attendance is limited to specifically selected individuals; and
- d) The benefits accrue more to the outside party than the employee.

2. Cash **Cash** is currency, coin, checks, drafts, or other commercial paper that is convertible into currency or coin.

3. Conflicting non-Federal source. Any person or entity other than the Government of the United States that has interests which may be substantially affected by the performance or nonperformance of the employee's duties.

4. Employee. An appointed officer or employee of an agency including an individual employed intermittently in the Government service as an expert or consultant in the Executive Branch (as defined in 31 U.S.C 1353) appointed under the authority of 5 U.S.C. 3109, or a Special Government Employee as defined under 18 U.S.C. 202 (See also 41 CFR Part 304-1.2).

5. Foreign government. Every foreign government and any representative or entity thereof including, for example, a university, foundation or society, or a research facility owned or operated by the foreign government. (Contact the Division of International Relations, John E. Fogarty International Center (496-4784) for assistance.)

NIH TRAVEL POLICY

6. Meeting or similar function. A conference, seminar, speaking engagement, training course, or similar event that takes place away from the employee's official station. This term does not include events to carry out an agency's statutory and regulatory functions, such as investigations, inspections, audits, site visits, or performing advisory services, and does not include promotional vendor training or other meetings held for the primary purpose of marketing the nonfederal source's products or services.

7. Nonfederal source. Nonfederal source means any person or entity other than the Government of the United States. The term includes any individual, private or commercial entity, nonprofit organization or association, state, local, or foreign government, or international or multinational organization.

8. Payment In Cash. The acceptance of cash or similar instrument from nonfederal sources for costs incurred by the traveler for deposit to the Federal appropriation (reimbursable account) from which the traveler is paid.

9. Payment in Cash for retention by the traveler. Acceptance of cash reimbursements from nonfederal sources by the traveler for retention by the traveler. **Important:** For directions on how to process checks made payable to the traveler, see NIH Manual Chapter 1500-08-02.

10. Payment In Kind. Payment In Kind means goods or services provided in lieu of funds paid to an agency by check or similar instrument for travel, subsistence, and related travel expenses.

11. Travel, subsistence, and related expenses. Transportation, meals, lodging, and other items related either to travel tickets or paid bills for such travel and related expenses. The term also includes expenses such as conference or training fees and includes other benefits which can not be paid under the applicable travel regulations and which are provided in kind and made available by the sponsor to all attendees incident to and for use at the meeting or similar function.

1500-08-01 Legislative Authorities

Acceptance of payment for travel, subsistence, and related expenses is authorized under the following statutes:

NIH TRAVEL POLICY

A. Travel Acceptance Authority, 31 U.S.C 1353. Provides authority for the Department or an employee on behalf of the Department, to accept payment from a nonfederal source for travel, subsistence, and related expenses in connection with attendance at meetings and similar functions relating to the official duties of the employee. Implementing regulations provide for acceptance of travel payments for an accompanying spouse at 41 CFR 304-1.3(b); allow for acceptance of payments in excess of maximum per diem rates and higher modes of transportation than that allowed by applicable travel regulations, at 41 CFR 304-1.3(d); and permit acceptance of payment from a conflicting nonfederal source only when the entire program scope of an IC is considered and only after numerous criteria governing such acceptance are carefully examined at 41 CFR 304-1.5 and the August 5, 1993 Memorandum from the Associate Director for Administration transmitting NIH Manual Chapter 1961-9. The statutory authority *prohibits* employees and/or their accompanying spouse from directly accepting payments in cash/check or similar instrument made payable to either traveler from the nonfederal source.

1. Payment for an accompanying spouse. Under 31 U.S.C. 1353 and 41 CFR 304-1.3(b), payment for an accompanying spouse can be accepted under very limited conditions. The spouse must travel pursuant to an official travel authorization (order) which clearly references the employee's travel authorization and the purpose of the trip. In addition, the following conditions must be thoroughly documented on the spouse's travel authorization:

- a) The spouse will support the mission of the agency or substantially assist the employee in carrying out his/her official duties;
- b) The spouse will participate in substantive programs related to the agency's programs or operations; or
- c) The spouse will attend a ceremony at which the employee will receive an award or honorary degree.

2. Payment in excess of regulatory limitations. Payment in excess of the maximum per diem rates, or transportation in a mode higher than coach may now be accepted *only* when the accommodation or other benefit furnished is comparable in value to that offered to, or purchased by, other similarly situated individuals attending the meeting or similar function.@ (August 5, 1993 Memorandum from the Associate Director for Administration, NIH, transmitting NIH Manual Chapter 1961-9). The invitation letter to the agency from the nonfederal source must

NIH TRAVEL POLICY

contain language to this effect when an organization offers to pay for above government standard rate travel.

3. Conflict of interest analysis. The appropriate official must certify that given the circumstances, a reasonable person with knowledge of all of the relevant facts would not question the integrity of the agency programs or operations and that the travel is in the Institute or Center's interest, the employee has been authorized to attend in an official capacity on behalf of the IC or NIH, and that the travel will advance the IC's mission, or may be in support of an NIH mission. An accompanying spouse must adhere to the same conflict of interest analysis as the employee. A traveler must have the sponsored portion of the travel approved by the appropriate IC official for conflict of interest, *prior* to commencement of the trip.

B. HHS Travel Acceptance Authority, 42 U.S.C. 3506. Provides authority for an employee to accept on behalf of the Department, payment from a nonfederal source for travel, subsistence, and related expenses in connection with a travel assignment related to the provision of **"advisory services"** by the employee **as part of his or her official duties**. Travel in pursuit of joint or collaborative research activity, either foreign or domestic, might be considered advisory services. However, acceptance of payment for travel for employees who provide advisory services as officers, directors, or trustees of an outside organization, as part of their official duties, is prohibited unless the employee first obtains a waiver of financial conflict of interest under 18 U.S.C. 208 (b). For information on this prohibition, contact your IC Ethics Officer.

C. Foreign Gifts and Decorations Act, 5 U.S.C. 7342. Provides authority under which employees and members of an employee's family and household may accept gifts of travel expenses for travel taking place *entirely outside the United States* when the donor is a foreign government (including international and multi-national organizations such as: World Health Organization (WHO), Pan American Health Organization (PAHO), International Agency for Research on Cancer (IARC), and Food and Agricultural Organization (FAO). Acceptance under this authority must be consistent with the interests of the United States and the travel must be approved by the appropriate authorizing official even where the employee travels in his or her private capacity on non-official time (see NIH Manual 2300-735-4, Outside Work and Related Activities with Outside Organizations).

NIH TRAVEL POLICY

1500-08-02 Methods for Reimbursement of Travel Expenses by Nonfederal Sponsors

A. Department Policy. When NIH employees travel for official purposes as representatives of the agency, the acceptance of cash or services in kind from nonfederal sources to defray travel or related expenses is permitted. Acceptance of payment by check or in kind services for travel expenses from nonfederal sources ***must be approved in advance*** (see 41 CFR 301-2.5(n) and 41 CFR 304-1.4) by the appropriate IC official designated to approve such payment (see NIH Manual Chapter 1500-08-00(C)). There are three (3) methods under which such cash or in kind reimbursement may be made.

1. In Cash for deposit to the NIH appropriation. Reimbursement by the sponsor to the employee's agency (NIH) in cash for deposit to the Federal reimbursable appropriation from which the travel is paid. **This is the preferred method of reimbursement.**

2. In Kind. Goods or services provided in lieu of funds paid to an agency by cash or similar instrument, for travel related expenses. This could include the provision of prepaid tickets, hotel accommodations, meals, etc., to the traveler. Under this type of reimbursement, **no cash transaction transpires between the traveler or NIH and the sponsoring organization.**

3. In Cash for retention by the traveler. Reimbursement by the sponsor directly to the employee in cash (currency) or check made payable to the employee to be retained by the employee. This is the least favored method of reimbursement and is now ***prohibited*** for sponsored travel under 31 U.S.C. 1353 to attend meetings or related functions. Cash reimbursement may still be received and retained by the employee under the authority to provide advisory services (42 U.S.C. 3506) or under the Foreign Gifts and Decorations Act (5 U.S.C. 7342). However, in accordance with DHHS travel policies and procedures, this should only occur under very rare circumstances, i.e. when the sponsoring organization does not have the authority to make payments to a Federal agency, and when such acceptance is clearly in the best interest of the Government.

B. Conditions for Reimbursement.

NIH TRAVEL POLICY

1. No honorarium. No honorarium or fee for services may be accepted by an employee for the performance of his/her official duty. Since ~~A~~Sponsored Travel~~@~~ is performed during normal work hours, **only travel-related expenses can be paid by the sponsor.**

2. Reimbursement must be from nonfederal funds. Travel reimbursements may not come from funds received under any Federal Government grants, contracts, cooperative agreements, or other Federal funds. Sponsoring organizations which elect to reimburse the Federal Government appropriation rather than provide ~~A~~In Kind~~@~~ services, should make reimbursement **checks payable to ~~A~~The National Institutes of Health~~@~~, not the individual traveler.**

3. When reimbursement checks or “cash” are made payable to the individual traveler. In cases where the traveler is performing official business under authority 42 U.S.C. 3506 or 5 U.S.C. 7342, a check may be made payable to the traveler as stated above in NIH Manual 1500 Chapter 08-02 (A)(3). In accordance with NIH policy, the traveler must present the sponsor's check (**personal checks are not permitted to replace a sponsor's check**) along with a copy of the completed voucher and a copy of the HHS-348 to the OFM Travel, Fellowships, and Cashiers Section, Building 31, Room B1B23 for credit to the proper appropriation. Travelers endorse the check and write, ~~A~~Payable to the National Institutes of Health~~@~~ below their signature. For “cash~~@~~ reimbursement, the traveler is to turn the cash (foreign currency or U.S. dollars) along with supportive documentation over to their respective administrative official immediately. That official or his or her designee is then responsible for hand carrying the cash and supportive documentation to the OFM Travel, Fellowships, and Cashiers Section for appropriate deposit. (A nominal fee for foreign currency conversion will be passed along to the respective IC). If the traveler is due money, he or she will be reimbursed by direct deposit method to his or her financial institution.

Note: The sponsor's check should be obtained and submitted along with the traveler's voucher. In the event however, the voucher is processed without the sponsor's reimbursement check, and the check is submitted to OFM at a later date, include a copy of the HHS-348 and a copy of the Travel Voucher with the sponsor's check. In all cases, every effort should be made to collect the funds from the sponsor, otherwise, the monies not collected from the sponsor will be taken from the IC appropriation.

NIH TRAVEL POLICY

4. Cannot mix authorities. Employees and authorizing officials are cautioned that they cannot mix and match provisions from the various acceptance authorities when offered travel related expenses from a nonfederal source. For example, an employee may not travel under Title 42 U.S.C. 3506 and an employee's spouse travel under 31 U.S.C. 1353. In addition, an employee may not travel under 42 U.S.C. 3506 for one leg of a trip and under 5 U.S.C. 7342 for a second leg of the same trip.

5. Employee Conformance with Travel Regulations. An NIH employee in travel status is always expected to travel under the policy established by the Department whether the source of funding is Federal or nonfederal. This includes the per diem rate, reimbursement for mileage, and the mode of travel on common carriers. However, 31 U.S.C. 1353, 41 CFR 304-1 and DHHS Travel Manual Chapter 1-70 provide authority to accept higher modes of travel, and per diem above Government rates, under certain circumstances. **NOTE: FTR 301-73.102** provides that NIH travelers must use the travel management system in place at NIH, i.e., a TMC, to arrange for common carrier transportation, lodging, and rental car services (See NIH Manual 1500 Chapter 02-01). This should occur for all "In Cash" sponsored travel transactions. For "In Kind" sponsored travel transactions, a traveler may obtain services via the Sponsoring Organization but those services must be in compliance with the regulations provided in 41 CFR 304-1 and the policies and procedures contained in DHHS Travel Manual Chapter 1-70.

6. Acceptance of Payment Stipulations for NIH Employees. If the nonfederal source offers to pay for higher than maximum per diem and/or transportation expenses otherwise allowable in the FTR, and subsequently does not pay the NIH in full, then NIH can only allow and pay expenses not to exceed those specified under the applicable regulations. In these circumstances, the employee may be responsible for reimbursing the NIH for those expenses incurred which are beyond the amount authorized by the applicable travel regulations since they cannot be paid from NIH funds. Also, if a nonfederal source does not pay NIH in full for an accompanying spouse, the employee is also responsible for full reimbursement to the NIH for the amount in excess of the amount authorized by the applicable travel regulations.

1500-08-03 Procedures for Preparing Sponsored Travel

A. Letter of Invitation. Once an employee has received the Letter of Invitation, email, or telephone call (documentation required) from the sponsor, he or she should notify their supervisor as well as their administrative staff immediately, in order to begin the ADB system,

NIH TRAVEL POLICY

HHS-348 process. Upon receipt of this letter by the administrative staff, it is very important to examine it closely to determine whom specifically, will be issuing the funds to cover the applicable travel. The letterhead may display the name of the sponsor but the actual source paying for the travel will be described in the text of the letter. This is extremely critical in order to ensure that the appropriate conflict of analysis is performed.

B. An Authorizing Travel Order. The revised HHS-1 ATravel Order@form on the NIH ADB system is required for all reimbursable travel. In addition to providing the necessary documentation in regard to the proposed trip, the Travel Order places the traveler in a duty status while away from his/her assigned official duty station.

1. Preparing the Travel Order. Prepare a Travel Order using the ADB system Travel Program:

- a) Use the IC travel account number (CAN) on the Order and indicate a ASponsored@trip on the first (Header) screen;
- b) Enter all travel costs: transportation, subsistence, and related travel expenses; and
- c) Designate those expenses being paid by the sponsor with the appropriate ASponsor Reimbursement Code@**B N or K**, and expenses being paid by the Institute or Center with **NO** Sponsor= **CODES**.

2. Preparing the HHS-348. The HHS-348 form appears directly after the first screen of the ADB system Travel Order. It must be prepared in conjunction with the Order.

- a) Funding source. On the HHS-348 form, list the name and address of the organization that is *actually going to fund* the trip as the sponsor.
- b) Reimbursable account number. Each IC has a separate funding source known as a Areimbursable CAN@to obligate monies in connection with sponsored travel. Type this number at the top of the Sponsor Screen on the ADB system. Additionally, an Aauthority@for the acceptance of sponsored funds must be noted on the HHS-348 travel screen. Select Authority Title: 31 U.S.C.1353, 42 U.S.C. 3506, or 5 U.S.C. 7342.
- c) More than one sponsor. If there are two or more sponsors on a trip, use a separate ASponsor Screen@for each when entering the data into the ADB system Travel Program. The ADB system allows up to nine sponsors per trip.

NIH TRAVEL POLICY

C. Completion of the HHS-348 and NIH Certification Checklist. The successful application of the foregoing policy is dependent upon the correct and timely completion of the Form HHS-348, "Request for Approval to Accept Payment of Travel Expenses from a Nonfederal Source" and the NIH Certification Checklist (August 5, 1993 Memorandum from the Associate Director for Administration, NIH, transmitting NIH Manual Chapter 1961-9; **NOTE:** Each IC should use this formatted version of the NIH Certification Checklist). The Form HHS-348 serves two purposes:

- 1. Documentation.** It documents, justifies, and requests the approval of the appropriate IC official for the acceptance of payment in cash or in kind from a nonfederal sponsoring organization for travel and subsistence for official business purposes; and
- 2. Certification.** It displays the conditions under which the money is being considered for acceptance e.g., Title Authority. It reports/certifies to the Recommending and Authorizing Officials and the Office of Financial Management the actual receipts in cash for deposit to the appropriation, or in kind, when so authorized, upon completion of the travel.

D. Submission of the HHS-348 Request Package.

- 1. Certification checklist.** Be sure the Certification Checklist (August 5, 1993 Memorandum from the Associate Director for Administration, NIH transmitting NIH Manual Chapter 1961-9) is completed. All three signatures, titles, and dates must be completed at the bottom of the form.
- 2. Time frame and procedures for HHS-348 Request Package.** The HHS-348 Request Package should be submitted to the appropriate authorizing official at least *15 calendar days prior to the departure date*. An original and one copy (if copy is to be sent to OD) of the package are required. Assemble the package in the following order:

- a) *ADB system Travel Order, Itinerary, and HHS-348;*
- b) *Original Inviting Document;*
- c) *Certification Checklist. Completed and signed;*

NIH TRAVEL POLICY

- d) *Late HHS-348 justification memo. This is a requirement when, in extreme emergency situations the package can not be submitted at least 15 calendar days prior to the trip and should be properly documented. Be sure memo is included in all applicable packages. The justification memo should detail what administrative action is being taken to ensure timely submission of requests by the traveler for future trips of this nature; and*
- e) *Copy of Notification of International Travel (NIT) - for Foreign Travel only, if applicable. The NIT should be forwarded to FIC not later than 3 weeks prior to the trip departure date and should accompany the HHS-348 request package.*

3. Amendments. Amend the HHS-348 document and the accompanying Travel Order if there are *changes to the sponsor's name and/or address, purpose of the trip, or the authority cited*. Changes to cost estimates or to the method of payment should be recorded at the bottom of the HHS-348 (may be written manually) and cited on the Travel Voucher when the trip is concluded.

E. Submission of HHS-348 Voucher Package. A Travel Voucher and all related receipts and documents for the sponsored trip must be submitted within five (5) working days of the traveler's return. **The Travel Voucher should include all appropriate signatures and is required for both "In-Kind" and "In-Cash" reimbursement.** The following is required in order to finalize and/or initiate reimbursement for sponsored travel:

1. Preparing the Travel Voucher Package. Show documentation of **all expenses** whether In Cash for Deposit to the NIH Appropriation, In Kind as provided by the sponsor, or reimbursed to the traveler from the IC Appropriation.

Submit the following items to the respective Administrative Office:

- \$ Original completed Voucher;
- \$ All necessary receipts;
- \$ HHS-348 with traveler's signature at bottom;
- \$ Certification Checklist;
- \$ Check from sponsor made payable to the National Institutes of Health, if applicable; and

DATE: 09/25/01

ISSUING OFFICE: OFM 301-435-2927

NIH TRAVEL POLICY

- \$ Invitational Letter, Copy of Notification of International Travel, if applicable (Foreign Travel ONLY).

2. Final signatures. After the Administrative Office reviews and approves the Travel Voucher, it will be returned to the traveler's office for final certification. Travelers must sign and date the voucher directly under the A.O.'s signature.

3. Official file instructions and report requirements.

- \$ The IC Administrative Officer (or designated official) is responsible for keeping all original vouchers and HHS-348 packages.
- \$ The **sponsor's original reimbursement check** along with a copy of the HHS-348 and a copy of the Travel Voucher **must** be submitted to the Office of Financial Management (OFM), Travel, Fellowships, and Cashiers Section, Building 31, B1B23. The check should be annotated with "Sponsored Travel" and the Travel Order Number.
- \$ Be sure sponsor's reimbursement checks are clearly recognizable by attaching them to the front of the voucher. Do not mix checks among the other receipts.
A copy of the sponsor's reimbursement check along with a copy of the entire HHS-348 package is to be submitted directly to the OFM General Ledger, Reports and Reconciliation Branch. This is to occur for all sponsored travel actions except In-Kind. The appropriate contact person can be reached on 301-496-4478.
- \$ If payment is In-Kind, a copy of the package does not need to be submitted to OFM.
- \$ The Center for Information Technology will continue to generate the Semi-Annual Sponsored Travel Report which is required by the Assistant Secretary for Administration and Management/OS.
- \$ Sponsored Travel records should be maintained in accordance with NIH Manual Chapter 1743, Section 1500 **Travel and Transportation**

NOTE: For additional information on Sponsored Travel Requirements and Procedures you can reference NIH Manual 1500 Appendix 6

NIH TRAVEL POLICY

1500-08-04 Acceptance of Payment from a Non-Federal Source to Cover Travel Expenses - CRADAs**A. Definition - CRADA (Cooperative Research and Development Agreement).**

Under 15 U.S.C. 3710a (b) (3) (A), a government-operated Federal laboratory may accept, retain, and use funds from a collaborating party pursuant to a CRADA agreement. A CRADA is identified by a unique CAN and the acceptance of payment from a CRADA Collaborator is transacted similarly to that of an IC direct appropriation account.

B. Policy.

1. Travel under a CRADA in support of the collaborative effort is considered ***“advisory travel”***. Accordingly, the provision of “advisory services” under a CRADA by Federal employees as part of their official duties is authorized under Title 42 U.S.C. 3506. ***Under this authority NIH may not authorize 1) spousal travel, 2) benefits in excess of the FTR limitations, or 3) acceptance of payment from a conflicting non-Federal source.***

2. Travel relative to a CRADA to attend “meetings or similar functions” may be authorized under 31 U.S.C. 1353 and 5 U.S.C. 7342 in accordance with the policies and procedures set forth in HHS Travel Manual Chapter 1-70 and NIH Manual 1500 Chapter 08-01(A) and (C).

C. Procedures.**1. Travel using funds from a CRADA CAN.**

a) In a case where an active CRADA exists and the provision of travel funds is referenced in the “Contributions” appendix of the agreement, the policies and procedures provided in NIH Manual 1500 Chapter 01-02 are applicable. Travel is simply performed citing the appropriate CRADA CAN on the Travel Order.

b) In a case where an active CRADA exists and either: (1) the CRADA does not document the provision of travel funds; or (2) CRADA funds become exhausted; an amendment to the CRADA authorizing the use of CRADA funds for travel or providing additional funds ***prior*** to travel being initiated, should be properly

NIH TRAVEL POLICY

executed. Travel is performed as in **C(1)(a)** above. **NOTE:** Should an emergency travel situation arise, and there is insufficient time to amend the agreement, the HHS-348 mechanism as outlined in **C(3)** below may be applied.

2. Travel with direct support documentation.

a) In a case where an active CRADA exists and language permitting direct support by the Collaborator for CRADA related travel is included in the “Contributions” appendix of the agreement, the HHS-348 mechanism may be applied. Either an “In Kind” or “In Cash” transaction may be authorized. All requests of this nature must be processed through the ADB using the appropriate IC reimbursable CAN and must be in compliance with all of the aforementioned HHS-348 sponsored travel regulations and policies and procedures.

b) In a case where an active CRADA exists and there is no language permitting direct support for travel in the “Contributions” appendix of the agreement, an amendment should be executed to add the appropriate provision to the agreement. Following this amendment, the HHS-348 mechanism may be applied as outlined in **2(a)** above. **NOTE:** Should an emergency travel situation arise, and there is insufficient time to amend the agreement, the HHS- 348 mechanism as outlined in **C(3)** below may be applied.

NOTE: The following is an example of “direct support” language: “In order to further the research efforts under this CRADA, the participation of NIH staff will likely be required at selected scientific or development meetings. As part of this CRADA, it is agreed that the Collaborator may provide direct support, under the HHS-348 travel mechanism, for the travel and related costs for attendance of NIH staff in such activities. Acceptance of Collaborator’s support will be contingent upon appropriate IC approval.”

3. CRADA emergency travel circumstances. In a case where an active CRADA exists, there is no language permitting direct support or any provision for travel, and an emergency travel situation arises, the HHS-348 mechanism may be applied. **However, the traveler may only be authorized for “In Kind” payment. No “In Cash” reimbursement is to be authorized.** The same procedures outlined in NIH Manual 1500 Chapter 08-02 will apply. **NOTE: The emergency travel must be considered urgent, not reasonably anticipated by the CRADA Principal Investigator, and**

NIH TRAVEL POLICY

critical to the performance of the CRADA research. (Example: A meeting required with regard to concerns over adverse events in a clinical trial)

NOTE 1: For the above procedures which incorporate use of the HHS-348 mechanism, a complete and thorough conflict of interest analysis must be conducted and all travel costs will be authorized in accordance with all of the applicable FTR, Department, and NIH policies and procedures.

NOTE 2: For internal control and auditing purposes, and in accordance with NIH Manual 3053, IC's should establish a recording process that will identify all HHS-348 sponsored travel transactions that reflect an IC reimbursable CAN in connection with CRADA related travel activities. Further, in the above scenarios, under no circumstances are appropriated funds to be used to cover travel expenses of an employee of the CRADA partner who is working at an NIH facility in support of the CRADA project.

D. Payment Acceptance. Under 42 U.S.C. 3506, an employee is permitted to accept cash, check, or similar instrument directly from the Collaborator. However, direct acceptance of reimbursement by the employee is the least favored method of reimbursement. **If the Collaborator issues payment directly to the traveler in the form of a cash, check, or similar instrument, the same guidelines outlined in 1500-08-02 (B)(3) are applicable.**

NOTE: FTR 301-73.102 provides that NIH travelers must use the travel management system in place at NIH, i.e., a TMC, to arrange for common carrier transportation, lodging, and rental car services (see NIH Manual 1500 Chapter 02-01). Employees working under a CRADA should comply with this regulation for all "In Cash" sponsored travel transactions. For "In Kind" sponsored travel transactions, employees working under a CRADA may obtain services via the CRADA Collaborator, but those services should be in compliance with the regulations provided in 41 CFR 304-1 and the policies and procedures contained in HHS Travel Manual Chapter 1-70.

E. Guidance. For further information with regard to Title 42 U.S.C. 3506 travel authority, see NIH Manual 1500 Chapter 08-01 (B).